IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5189 OF 2004

Balu Dagdu Wagmare ...Petitioner
Vs.
Food Corporation of India & Anr. ...Respondents

Mr.A.H.Fatangare for Petitioner
Mr.R.V. Govilkar for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 14TH JULY, 2005

P.C.

1. Heard Mr.Fatangare for the Petitioner. Mr Govilkar appears for Respondents. The Petition is filed against the Respondents to absorb the Petitioner in their service. The Petitioner was working as a casual labourer in the Food Corporation Depots from 1993 onwards. It is his case that he was provided work through some societies of the workers in Food Corporation and the work which he had to do was manual work. In a scheme developed by the Food Corporation, it was decided that those workers who had put in three years service prior to April, 1996 and who had worked for 9 out of 12 months prior to April, 1996 and whose employees provident fund was being deducted, will be extended the direct payment scheme.

2. The case of the Petitioner is that he fits in this scheme and he has put in such three years and that he was also in the service for the 9 months prior

to April, 1996. He has relied upon the chart prepared by the Assisstant Manager (Depot) of the Food Corporation. The chart is annexed to the rejoinder.

3. Mr.Govilkar learned Counsel appearing for the Respondents on the other hand submitted that there was a dispute about this chart and in fact the Society concerned had given it in writing, that the said record was not correct. An action was taken against the Asstt. Manager (Depot), Food Corporation, Solapur for giving wrong information for the benefit of the Petitioner. Mr. Govilkar has drawn our attention to the letter of Society dated 13th December, 1999 and a note to the Sr. Regional Manager of Food Corporation of India dated 25th January, 2000 which record that an action was being initiated against the concerned Assistant Manager, Depot, Food Corporation of India, Solapur.

4. It is however, material to note that the Petitioner has placed on record another letter dated 16th March, 2000 sent to him by the Director of the Food Corporation of India, Solapur that an opportunity will be given to him wherever vacancies will be available. Mr. Govilkar submits that this letter has been issued almost at the same time when this investigation was going on and no concession should be given to the Petitioner on that basis. He has also drawn our attention to the earlier letter dated 4th

January, 2000 from the District Manager, Pune which stated that with a view to arrive at an amicable settlement the Petitioner will be given opportunity in the employment subject to fulfilment of all conditions in case of further requirement and recruitment in Food Corporation of India, Solapur.

5. We have noted the submissions. Mr. Govilkar is right in bringing to our notice that there is a complaint with respect to the correctness of attendance record of the Petitioner. At the same time we cannot ignore that two Senior Officers of Food Corporation of India viz. District Manager, Pune by his letter dated 4th January, 2000 and the Director of Food Corporation of India, Solapur by his letter dated 16th March, 2000 informed the Petitioner subsequent to the above complaint that Petitioner will be given opportunity of employment subject to fulfilment of necessary conditions in the event vacancies arise. They have clearly stated that the decisions were being taken to arrive at an amicable decision. Now these superior Officers must be deemed to have looked into all necessary record and then informed the Petitioner as they have. The fact remains that Petitioner has not received any work, that is obviously because this order of March, 2000 was not acted upon. All that the Petitioner is seeking is an employment to do work as a labourer. There is nothing very great that is sought through this Petition. It appears that the Officers

at the higher level were also of the view that to close the controversy it will be better that the Petitioner should be provided employment. Considering the totality of the facts we are of the view that the Petitioner should be provided work as and when available under the Scheme which the Food Corporation of India has floated on 14th June, 1996 or if the said scheme has been substituted by any other scheme thereafter, under such Scheme we direct accordingly. In as much as the senior Officers if Food Corporation of India have decided as above, this decision in the case of the Petitioner will not be treated as precedent. Petition stands disposed of accordingly.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)